

E-Filed on September 6, 2007

DIAMOND MCCARTHY LLP

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Special Litigation Counsel for USACM Liquidating Trust

LEWIS AND ROCA LLP

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Email: rcharles@lrlaw.com

Counsel for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:
USA COMMERCIAL MORTGAGE COMPANY,

Debtor.

In re:
USA CAPITAL REALTY ADVISORS, LLC,

Debtor.

In re:
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

Debtor.

In re:
USA CAPITAL FIRST TRUST DEED FUND,
LLC,

Debtor.

In re:
USA SECURITIES, LLC,

Debtor.

Affects:
☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case Nos.:
BK-S-06-10725-LBR
BK-S-06-10726-LBR
BK-S-06-10727-LBR
BK-S-06-10728-LBR
BK-S-06-10729-LBR

JOINTLY ADMINISTERED
Chapter 11 Cases

Judge Linda B. Riegle Presiding

**NOTICE OF FILING PROOFS OF
SERVICE OF SUBPOENAS FOR
RULE 2004 EXAMINATIONS**

NOTICE IS GIVEN that the USACM Liquidating Trust herewith files the:

**Proof of Service of Subpoena for Rule 2004 Examination
on Ray T. Khirallah , Registered Agent for
Arlington/Homes for America, Inc. (Exhibit A Attached);**

1 **Proof of Service of Subpoena for Rule 2004 Examination**
2 **on Ray T. Khirallah, Registered Agent for**
3 **Briar Meadow/Homes for America, Inc. (Exhibit B**
4 **Attached);**

5 **Proof of Service of Subpoena for Rule 2004 Examination**
6 **on Mary Foran, Information Specialist and authorized**
7 **person to accept service on behalf of Registered Agent for**
8 **Colt Gateway, LLC (Exhibit C Attached);**

9 **Proof of Service of Subpoena for Rule 2004 Examination**
10 **on Mary Foran, Information Specialist and authorized**
11 **person to accept service on behalf of Registered Agent for**
12 **HFAH Asylum, LLC (Exhibit D Attached); and**

13 **Proof of Service of Subpoena for Rule 2004 Examination**
14 **on Lucynda Wood, designated agent for Homes of Azalea**
15 **Park, LLC f/k/a Homes of Serenity Park, LLC (Exhibit E**
16 **Attached);**

17 **Proof of Service of Subpoena for Rule 2004 Examination**
18 **on Lucynda Wood, designated agent for St. Charles**
19 **Homes for America, Inc. (Exhibit F Attached);**

20 **Proof of Service of Subpoena for Rule 2004 Examination**
21 **on Lucynda Wood, designated agent for Glen Hills Homes**
22 **for America, Inc. (Exhibit G Attached);**

23 **Proof of Service of Subpoena for Rule 2004 Examination**
24 **on Jill Berman, authorized agent for Country Lake**
25 **Homes Holdings, Inc. (Exhibit H Attached); and**

26 **Proof of Service of Subpoena for Rule 2004 Examination**
on Jill Berman, authorized agent for LEHH, Inc. (Exhibit
I Attached).

DATED: September 6, 2007

DIAMOND MCCARTHY LLP

LEWIS AND ROCA LLP

By: /s/ Eric D. Madden
Allan B. Diamond, TX 05801800 (pro hac vice)
William T. Reid, IV, TX 00788817 (pro hac vice)
Eric D. Madden, TX 24013079 (pro hac vice)
909 Fannin, Suite 1500
Houston, Texas 77010
(713) 333-5100 (telephone)
(713) 333-5199 (facsimile)

*Special Litigation Counsel for
USACM Liquidating Trust*

By: /s/ Rob Charles
Susan M. Freeman, AZ 4199 (pro hac vice)
Rob Charles, NV 6593
3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169-5996
(702) 949-8320 (telephone)
(702) 949-8321 (facsimile)

Counsel for USACM Liquidating Trust

United States Bankruptcy Court

NORTHERN DISTRICT OF TEXAS

IN RE

USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC,
USA CAPITAL DIVERSIFIED TRUST DEED FUND LLC,
USA CAPITAL FIRST TRUST DEED FUND LLC,
USA SECURITIES, LLC,

DEBTORS.

AFFECTS: ALL DEBTORS

SUBPOENA FOR RULE 2004 EXAMINATION

CASE NOS. BK-S-06-10725 LBR
BK-S-06-10726 LBR
BK-S-06-10727 LBR
BK-S-06-10728 LBR
BK-S-06-10729 LBR

JOINTLY ADMINISTERED UNDER
CASE No. BK-S-06-10725-LBR
IN THE DISTRICT OF NEVADA

TO: Arlington/Homes for America, Inc.
By and through its registered agent:
Ray T. Khirallah
1700 Pacific Avenue, Suite 3300
Dallas, TX 75201


X YOU ARE COMMANDED to produce a corporate representative for examination under Federal Rule of Bankruptcy Procedure 2004, regarding the following topics at the place, date and time specified below. The USACM Liquidating Trust reserves the right to videotape all examinations.

SEE ATTACHED EXHIBIT A FOR TOPICS OF EXAMINATION

PLACE OF TESTIMONY	DATE AND TIME
DIAMOND MCCARTHY, LLP 1201 ELM STREET, SUITE 3400 DALLAS, TEXAS 75270	September 21, 2007 1:30 P.M. (or such other mutually agreeable date and time)

SEE ATTACHED EXHIBIT B FOR DOCUMENTS REQUESTED

X YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below:

PLACE	DATE
DIAMOND MCCARTHY, LLP 1201 ELM STREET, SUITE 3400 DALLAS, TEXAS 75270	September 7, 2007 (or such other mutually agreeable date and time)
ISSUING OFFICER SIGNATURE AND TITLE	DATE
 Special Litigation Counsel for the USACM Liquidating Trust	August 23, 2007
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER	
ERIC D. MADDEN DIAMOND MCCARTHY LLP 1201 ELM STREET, SUITE 3400 DALLAS, TX 75270 (214) 389-5300	



PROOF OF SERVICE

DATE:

PLACE:

SERVED:

SERVED ON (PRINT NAME)

MANNER OF SERVICE

DECLARATION OF SERVER

** SEE ATTACHED **
AFFIDAVIT ***

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

Date

** SEE ATTACHED **
*** Signature of Server ***
AFFIDAVIT ***

Address of Server

Rule 45, Federal Rules of Civil Procedure, Parts (c) & (d) made applicable in cases under the Bankruptcy Code by Rule 9016, Fed.R.Bankr.P.:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order by the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any persons who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance.

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held or,

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

PROOF OF SERVICE

SERVED	DATE	PLACE
	8/23/2007	1700 PACIFIC AVENUE, SUITE 3300 DALLAS, TEXAS 75201
SERVED ON (PRINT NAME) ARLINGTON/HOMES FOR AMERICA, INC BY DELIVERING TO ITS REGISTERED AGENT RAY T. KHIRALLAH		MANNER OF SERVICE PERSONAL
SERVED BY (PRINT NAME) ADIL TADLI		TITLE TEXAS PROCESS SERVER

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on AUGUST 23RD 2007
DATE

SIGNATURE OF SERVER



ADDRESS OF SERVER

5470 LBJ FREEWAY
DALLAS, TEXAS 75240

Rule 45, Fed.R.Civ.P., Parts (c) & (d) made applicable in cases under the Bankruptcy Code by Rule 9016, Fed.R.Bankr.P.

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected material and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or

information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

M:\My Documents\Cox\Adversary\Wood\Amy Subpoena.wpd

United States Bankruptcy Court

NORTHERN DISTRICT OF TEXAS

IN RE

USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC,
USA CAPITAL DIVERSIFIED TRUST DEED FUND LLC,
USA CAPITAL FIRST TRUST DEED FUND LLC,
USA SECURITIES, LLC,

DEBTORS.

AFFECTS: ALL DEBTORS

SUBPOENA FOR RULE 2004 EXAMINATION

CASE NOS. BK-S-06-10725 LBR
BK-S-06-10726 LBR
BK-S-06-10727 LBR
BK-S-06-10728 LBR
BK-S-06-10729 LBR

JOINTLY ADMINISTERED UNDER
CASE No. BK-S-06-10725-LBR
IN THE DISTRICT OF NEVADA

TO: Briar Meadow/Homes for America, Inc.
By and through its registered agent:
Ray T. Khirallah
1700 Pacific Avenue, Suite 3300
Dallas, Texas 75201

X YOU ARE COMMANDED to produce a corporate representative for examination under Federal Rule of Bankruptcy Procedure 2004, regarding the following topics at the place, date and time specified below. The USACM Liquidating Trust reserves the right to videotape all examinations.

SEE ATTACHED EXHIBIT A FOR TOPICS OF EXAMINATION

PLACE OF TESTIMONY

DIAMOND MCCARTHY, LLP
1201 ELM STREET, SUITE 3400
DALLAS, TEXAS 75270

DATE AND TIME

September 21, 2007
1:30 P.M. (or such other mutually agreeable date and time)

SEE ATTACHED EXHIBIT B FOR DOCUMENTS REQUESTED

X YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below:

PLACE

DIAMOND MCCARTHY, LLP
1201 ELM STREET, SUITE 3400
DALLAS, TEXAS 75270

DATE

September 7, 2007 (or such other mutually agreeable date and time)

ISSUING OFFICER'S SIGNATURE AND TITLE



Special Litigation Counsel for the USACM Liquidating Trust

DATE

August 23, 2007

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

ERIC D. MADDEN
DIAMOND MCCARTHY LLP
1201 ELM STREET, SUITE 3400
DALLAS, TX 75270
(214) 389-5300



PROOF OF SERVICE

DATE:

PLACE:

SERVED:

SERVED ON (PRINT NAME)

MANNER OF SERVICE

**** SEE ATTACHED ****
***** AFFIDAVIT *****

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

Date

Signature of Server

**** SEE ATTACHED ****
***** AFFIDAVIT *****

Address of Server

Rule 45, Federal Rules of Civil Procedure, Parts (c) & (d) made applicable in cases under the Bankruptcy Code by Rule 9016, Fed.R.Bankr.P.:

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(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order by the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any persons who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

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PROOF OF SERVICE

SERVED	DATE	PLACE
	8/23/2007	1700 PACIFIC AVENUE, SUITE 3300 DALLAS, TEXAS 75201
SERVED ON (PRINT NAME) BRIARMEADOW/HOMES FOR AMERICA, INC BY DELIVERING TO ITS REGISTERED AGENT RAY T. KHIRALLAH		MANNER OF SERVICE PERSONAL
SERVED BY (PRINT NAME) ADIL TADLI		TITLE TEXAS PROCESS SERVER

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on AUGUST 23RD 2007
DATE

SIGNATURE OF SERVER

5470 LBJ FREEWAY

ADDRESS OF SERVER

DALLAS, TEXAS 75240

Rule 45, Fed.R.Civ.P., Parts (c) & (d) made applicable in cases under the Bankruptcy Code by Rule 9016, Fed.R.Bankr.P.

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(ii) requires disclosure of an unretained expert's opinion or

information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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M:\My Documents\Cox\Adversary\Wood\Amy Subpoena.wpd

United States Bankruptcy Court

SOUTHERN DISTRICT OF NEW YORK

IN RE

USA COMMERCIAL MORTGAGE COMPANY,
 USA CAPITAL REALTY ADVISORS, LLC,
 USA CAPITAL DIVERSIFIED TRUST DEED FUND LLC,
 USA CAPITAL FIRST TRUST DEED FUND LLC,
 USA SECURITIES, LLC,

DEBTORS.

AFFECTS: ALL DEBTORS

SUBPOENA FOR RULE 2004 EXAMINATION

CASE NOS. BK-S-06-10725 LBR
BK-S-06-10726 LBR
BK-S-06-10727 LBR
BK-S-06-10728 LBR
BK-S-06-10729 LBR

JOINTLY ADMINISTERED UNDER
 CASE No. BK-S-06-10725-LBR
 IN THE DISTRICT OF NEVADA

TO: Colt Gateway, LLC
 By and through its registered agent:
 CT Corporation system
 One Corporate Center, 11th Floor
 Hartford, CT 06103-3220

X YOU ARE COMMANDED to produce a corporate representative for examination under Federal Rule of Bankruptcy Procedure 2004, regarding the following topics at the place, date and time specified below. The USACM Liquidating Trust reserves the right to videotape all examinations.

SEE ATTACHED EXHIBIT A FOR TOPICS OF EXAMINATION

PLACE OF TESTIMONY

MERRILL LEGAL SOLUTIONS
 25 W. 45TH STREET, SUITE 900
 NEW YORK, NEW YORK 10036

DATE AND TIME

September 21, 2007
 9:30 A.M. (or such other mutually agreeable date and time)

SEE ATTACHED EXHIBIT B FOR DOCUMENTS REQUESTED

X YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below:

PLACE

MERRILL LEGAL SOLUTIONS
 25 W. 45TH STREET, SUITE 900
 NEW YORK, NEW YORK 10036

DATE

September 7, 2007 (or such other mutually agreeable date and time)

ISSUING OFFICER SIGNATURE AND TITLE



Special Litigation Counsel for the USACM Liquidating Trust

DATE

August 23, 2007

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

ERIC D. MADDEN
 DIAMOND MCCARTHY LLP
 1201 ELM STREET, SUITE 3400
 DALLAS, TX 75270
 (214) 389-5300

EXHIBIT

tabbles®

C

PROOF OF SERVICE

DATE:

August 27, 2007

1:28 PM

PLACE:

CT CORPORATION SYSTEM

One Corporate Center, 11th Floor
Hartford, CT 06103

SERVED:

SERVED ON (PRINT NAME)

MARY FORAN, INFORMATION SPECIALIST

MANNER OF SERVICE


CORPORATE -- REGISTERED AGENT

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on August 28, 2007

Date

Signature of Server  MICHELE VONEISENGREINEast Hartford, CT 06108

Address of Server

Rule 45, Federal Rules of Civil Procedure, Parts (c) & (d) made applicable in cases under the Bankruptcy Code by Rule 9016, Fed.R.Bankr.P.:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and reasonable attorney's fee.

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(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held or,

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

United States Bankruptcy Court

SOUTHERN DISTRICT OF NEW YORK

IN RE

USA COMMERCIAL MORTGAGE COMPANY,
 USA CAPITAL REALTY ADVISORS, LLC,
 USA CAPITAL DIVERSIFIED TRUST DEED FUND LLC,
 USA CAPITAL FIRST TRUST DEED FUND LLC,
 USA SECURITIES, LLC,

DEBTORS.

AFFECTS: ALL DEBTORS

SUBPOENA FOR RULE 2004 EXAMINATION

CASE NOS. BK-S-06-10725 LBR
BK-S-06-10726 LBR
BK-S-06-10727 LBR
BK-S-06-10728 LBR
BK-S-06-10729 LBR

JOINTLY ADMINISTERED UNDER
 CASE NO. BK-S-06-10725-LBR
 IN THE DISTRICT OF NEVADA

TO: HFAH Asylum, LLC
 By and through its registered agent:
 CT Corporation system
 One Corporate Center, 11th Floor
 Hartford, CT 06103-3220

X YOU ARE COMMANDED to produce a corporate representative for examination under Federal Rule of Bankruptcy Procedure 2004, regarding the following topics at the place, date and time specified below. The USACM Liquidating Trust reserves the right to videotape all examinations.

SEE ATTACHED EXHIBIT A FOR TOPICS OF EXAMINATION**PLACE OF TESTIMONY**

MERRILL LEGAL SOLUTIONS
 25 W. 45TH STREET, SUITE 900
 NEW YORK, NEW YORK 10036

DATE AND TIME

September 21, 2007
 9:30 A.M. (or such other mutually agreeable date and time)

SEE ATTACHED EXHIBIT B FOR DOCUMENTS REQUESTED


X YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below:

PLACE

MERRILL LEGAL SOLUTIONS
 25 W. 45TH STREET, SUITE 900
 NEW YORK, NEW YORK 10036

DATE

September 7, 2007 (or such other mutually agreeable date and time)

ISSUING OFFICER SIGNATURE AND TITLE


Special Litigation Counsel for the USACM Liquidating Trust

DATE

August 23, 2007

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

ERIC D. MADDEN
 DIAMOND MCCARTHY LLP
 1201 ELM STREET, SUITE 3400
 DALLAS, TX 75270
 (214) 389-5300



PROOF OF SERVICE

DATE:

August 27, 2007

PLACE:

CT CORPORATION SYSTEM

One Corporate Center, 11th Floor

Hartford, CT 06103

SERVED:

1:28 PM

SERVED ON (PRINT NAME)

MARY FORAN, INFORMATION SPECIALIST

MANNER OF SERVICE

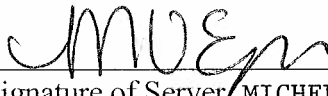
CORPORATE -- REGISTERED AGENT

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on August 28, 2007

Date

Signature of Server  MICHELE VONEISENGREIN

East Hartford, CT 06108

Address of Server

Rule 45, Federal Rules of Civil Procedure, Parts (c) & (d) made applicable in cases under the Bankruptcy Code by Rule 9016, Fed.R.Bankr.P.:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order by the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any persons who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance.

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held or,

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(iv) subjects a person to undue burden.

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(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

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United States Bankruptcy Court

SOUTHERN DISTRICT OF NEW YORK

AUG 27 2007

C. J. AM...

IN RESUBPOENA FOR RULE 2004 EXAMINATION

USA COMMERCIAL MORTGAGE COMPANY,
 USA CAPITAL REALTY ADVISORS, LLC,
 USA CAPITAL DIVERSIFIED TRUST DEED FUND LLC,
 USA CAPITAL FIRST TRUST DEED FUND LLC,
 USA SECURITIES, LLC,

CASE NOS. BK-S-06-10725 LBR
BK-S-06-10726 LBR
BK-S-06-10727 LBR
BK-S-06-10728 LBR
BK-S-06-10729 LBR

DEBTORS.

JOINTLY ADMINISTERED UNDER

CASE No. BK-S-06-10725-LBR

IN THE DISTRICT OF NEVADA

AFFECTS: ALL DEBTORS

TO: Homes of Azalea Park, LLC
 f/k/a Homes of Serenity Park, LLC
 By and through its registered agent:
 Capitol Corporate services, Inc.
 800 Brazos, Suite 400
 Austin, TX 78701

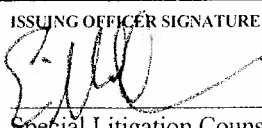
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SEE ATTACHED EXHIBIT A FOR TOPICS OF EXAMINATION

PLACE OF TESTIMONY	DATE AND TIME
MERRILL LEGAL SOLUTIONS 25 W. 45 TH STREET, SUITE 900 NEW YORK, NEW YORK 10036	September 21, 2007 9:30 A.M. (or such other mutually agreeable date and time)

SEE ATTACHED EXHIBIT B FOR DOCUMENTS REQUESTED

X YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below:

PLACE	DATE
MERRILL LEGAL SOLUTIONS 25 W. 45 TH STREET, SUITE 900 NEW YORK, NEW YORK 10036	September 7, 2007 (or such other mutually agreeable date and time)
ISSUING OFFICER SIGNATURE AND TITLE	DATE
 Special Litigation Counsel for the USACM Liquidating Trust	August 23, 2007

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

ERIC D. MADDEN
 DIAMOND MCCARTHY LLP
 1201 ELM STREET, SUITE 3400
 DALLAS, TX 75270
 (214) 389-5300



**Affidavit
Attached**

ORIGINAL

PROOF OF SERVICE

DATE:

PLACE:

800 BRADDOCK ST.
STE 400

SERVED:

AUGUST 27, 2007 @ 12:15 pm

AUSTIN, TX 78701

SERVED ON (PRINT NAME)

LUCYNA WOOD

MANNER OF SERVICE

Personal Service

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

AUGUST 28, 2007

Date

Signature of Server

809 Rio Grande, Ste 103

Address of Server

AUSTIN, TX 78701

**Affidavit
Attached**

Rule 45, Federal Rules of Civil Procedure, Parts (c) & (d) made applicable in cases under the Bankruptcy Code by Rule 9016, Fed.R.Bankr.P.:

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AFFIDAVIT OF SERVICE

Came to hand on the 27th day of August, 2007, at 9:00 o'clock am.
Cause No. BK-S-06-10725 LBR

Executed at 800 Brazos Street, Suite 400 Austin, Texas 78701
within the County of Travis at 12:15 o'clock pm on the 27th day
of August, 2007, by delivering to the within named:

HOMES OF AZALEA PARK, LLC f/k/a HOMES OF SERENITY PARK, LLC,
by delivering to its Registered Agent, CAPITOL CORPORATE SERVICES, INC.,
by delivering to its designated agent, LUCYNDIA WOOD, in person, a true copy of
this Subpoena for Rule 2004 Examination with Exhibits A & B attached, having
first endorsed upon such copy of such Subpoena the date of delivery, and
tendering to said witness the sum of \$50.00.


I am not a party to or interested in the outcome of the suit referenced above.
I am authorized by written order to serve citation and other notices. I am not
less than eighteen (18) years of age.

Service Fee \$

IN RE:
USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, INC
ET AL Plaintiff

V.
AFFECTS ALL DEBTORS

Defendant

By: 
Jefferson R. Keyton ID# SCH-735
(Authorized Person)

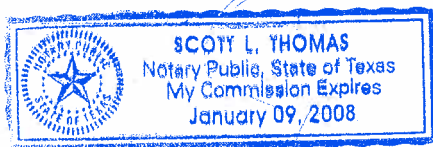
THOMAS PROCESS
809 Rio Grande Street
Suite 103
Austin, Texas 78701
(512) 320-8330

VERIFICATION

STATE OF TEXAS §
COUNTY OF TRAVIS §

BEFORE ME, A NOTARY PUBLIC, on this day personally appeared
Jefferson R. Keyton, known to me to be the person whose name
is subscribed to the foregoing document and, being by me first duly sworn,
declared that the statements therein contained are true and correct.

Given under my hand and seal of office this 28th day of
August, A.D., 2007.




NOTARY PUBLIC, STATE OF TEXAS